

to use someone else's mobile relay station if the licensee of that mobile relay station has denied or revoked permission to use that station.

For the licensee of a mobile relay station to be able to maintain effective control over that station, it is imperative that the prohibition in §95.173(b) remain.

*Third*, the current rules are ambiguous about how a station operator should recognize his or her *continuing* obligations to share the channel. For instance, §95.143 requires that stations

“must cease transmitting when the station operator of any station on the same channel is communicating an emergency message (concerning the immediate protection of property or the safety of someone's life).”

This in effect requires that the station operator must pause and monitor the channel *between* each transmission in a communications *exchange*. The current and proposed rules at §95.171 fail to include this requirement.

PRSG requests that the FCC add language to §95.171 that reflects the requirements of §95.143.

*Fourth*, neither the current nor the proposed rules address channel *selection*. The FCC rules should require that station operators select the *channel* and *operating mode* (i.e., repeater versus direct) most appropriate and available for the particular communications exchange.

*Fifth*, the *NPRM* fails to clarify existing ambiguities between the responsibilities of station *operators* and those of station *licensees*.

For instance, when the *operator* of a GMRS mobile or control station communicates *through* some *other* licensee's mobile relay station, the station *operator* of that mobile relay station is still its *licensee*, not the operator of the mobile or control station. There are different obligations that must apply to these different station operators. The FCC rules must clearly distinguish and assign these differing obligations.

For the reasons cited above, PRSG proposes the following language for §95.171:

**§95.171 Station operator duties.**

The station operator communicates messages and controls the station. (See §95.125.)

- (a) Whenever a GMRS station is transmitting, it must have a station operator.
  - (1) The station *operator* must be able to cause the station to cease transmitting.
  - (2) The *licensee* of a station authorized to be operated by remote control must be able at all times to cause that station to *cease* transmitting. (See §95.127.)
- (b) The station *licensee* must take all necessary and reasonable precautions to assure that unauthorized or improper operations do not occur.
- (c) The station operator must not make any transmission that causes or attempts to cause the improper or unauthorized operation of a mobile relay station

- (d) The station operator must cooperate in selecting and sharing each channel with station operators of other stations, including by:
  - (1) Selecting the most appropriate channel available for use.
  - (2) Monitoring the channel before *each* transmission;
  - (3) Waiting until ongoing communications are completed before initiating transmissions;
  - (4) Engaging in only permissible communications (see §95.181 and §95.183);
  - (5) Limiting transmissions to the minimum practicable transmission time; and
  - (6) Immediately ceasing all transmissions when the station operator of any station on the same channel is communicating an emergency message (concerning the immediate protection of property or the safety of someone's life). (See §95.143.)
- (e) The same person may be the operator for more than one station at the same time.

## **IXX. The FCC Should Clarify Station Operator Eligibility.**

The *NPRM* proposes several changes in §95.179(a).

*First*, the *NPRM* proposes to delete the requirement (§95.179(a)) that for a family member to be an eligible station operator, he or she must reside in the same household as the licensee. PRSG opposes any change in the current requirement, and requests that the FCC retain the current language in this regard. We note that no party has requested such an expansion in operator eligibility.

*Second*, the *NPRM* proposes to retain §95.179(d), which permits

“The station operator of a GMRS system licensed to an individual may be a station operator in any other GMRS system if he/she has permission from the licensee of the other GMRS system.”

This provision is *contrary* to those of §95.179(a). The FCC originally proposed this rule in the *NPRM* of PRB Docket 87-265 to enable all-channel operation. When the FCC decided *not* to implement all-channel operations in that docket, this language was inadvertently left in. The FCC should now delete this language.

## **XX. The FCC Should Clarify Permissible and Prohibited Communications.**

*First*, the *NPRM* proposes no change in the language of §95.181(c). However, the current language leaves to the discretion of the non-personal licensee the decision as to what constitutes the “scope of employment.” This opens a potential for abuse.

PRSG requests that the FCC make the following change to §95.181(c):

- (c) A station operator for any entity other than an individual licensed in the GMRS may communicate two-way voice messages while acting within the scope of his/her employment if those messages concern only the licensee's business activities (see §95.179).

*Second*, the *NPRM* proposes no change in the language of §95.181(d). However, the current language suggests that these may be the *only* messages conducted. PRSG recommends that the FCC amend this rule section by inserting “also” as follows:

- (d) A station operator for any GMRS licensee may also communicate two-way voice messages concerning:  
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*Third*, the *NPRM* proposes to delete cross-reference and explanatory language in §95.181(f). As previously discussed, PRSG requests retention and modification of the cross-referenced section. We request that the FCC retain the cross reference and explanatory information here.

*Fourth*, the *NPRM* proposes to delete the exclusion of “10 codes” from the prohibition of §95.183(a)(4) of coded messages. PRSG requests that the FCC retain this exemption for “10 codes.” Some GMRS licensees use these codes, and the *NPRM* makes no argument why the current exclusion should not be continued.

*Fifth*, the *NPRM* proposes to delete the prohibition currently in §95.181(i)(7) of sounds intended only to attract attention, but to retain the prohibition (proposed to be moved to §95.183(a)(6)) of music, whistling, sound effects or material intended to amuse or to entertain.

PRSG recommends that the FCC retain the existing language, to add language to clarify its intent, and to cross reference another applicable rule (§95.75) that the PRSG proposes the FCC should amend:

“Sounds only to attract attention, except for the use of a selective calling tone or a tone or digitally operated squelch (a tone code used to address a particular station) in conjunction with voice communications (see §95.75(a)(11));”

*Sixth*, the *NPRM* proposes to retain but to relocate (to §95.183(a)(7)) the prohibition of profane words. Profanity is Constitutionally protected speech. To profane a person, object, activity or concept is to treat (usually something sacred) with abuse, irreverence or contempt. It is Constitutionally impermissible for the FCC specifically (and the federal government in general) to sanctify persons, objects, activities or concepts. PRSG recommends that the FCC amend this new subparagraph (a)(7) to read:

“Obscene or indecent words, language or meaning;”

*Seventh*, the *NPRM* proposes to delete the current prohibition (§95.181(i)(9)) of advertisements for the sale of services, but proposes to retain the prohibition of advertisements for the sale of goods. The *NPRM* provides no justification for this deletion.

PRSG recommends that the FCC retain the current prohibition regarding the advertisement for the sale of services.

*Eighth*, the *NPRM* proposes to delete reference to the current permissibility (§95.181(i)(12) of messages *about* news items or program preparation. PRSG believes this is appropriate explanatory material that should be left in the new rule (§95.183(a)(11).

*Ninth*, PRSG recommends that the FCC amend a cross reference in the new rule §95.183(a)(12) as follows:

(12) Messages that are both conveyed by a wireline control link and transmitted by a GMRS station (see §95.127 and §95.171);

## **XXI. Appendix B is No Longer Needed.**

The current Appendix B (Where the Large Urban Areas Are Located.) is no longer need, but the *NPRM* fails to propose its deletion. The FCC can and should delete this appendix in its entirety.

## **XXII. In Conclusion.**

PRSG commends the FCC for initiating this rulemaking to implement a Universal Licensing System, and for considering simplifying the GMRS licensing process and eliminating needlessly burdensome rules.

However, we vigorously object to the use of this rulemaking action to impose **radical and disruptive changes** to long-established Commission policy on spectrum use. PRSG requests that *all* facets of the current *NPRM* not directly and exclusively related to the development and implementation of the ULS be removed from consideration in this Docket.